



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

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ATTORNEY GENERAL

Honorable Geo. H. Sheppard  
Comptroller of Public Accounts  
Austin, Texas

Dear Mr. Sheppard:

Opinion No. O-6322

Re: Expenses provided for under Article  
2609, Revised Civil Statutes cannot  
in any event be paid from the General  
Maintenance and Contingent Expense  
Appropriation made to the A.&M.  
College.

Your letter of April 24, 1945, which is copied below, has  
been given our careful consideration:

"Article 2609, R.C.S., 1925 provides:

"There shall be maintained and instructed  
at said college annually free of charge to them three  
students . . . . . The Comptroller on proper vouchers being  
filed in his office by the directors, is authorized to  
draw his warrant on the State Treasurer against any appro-  
riation made for such purpose.' Emphasis supplied.

"There is no specific appropriation now  
available for such purpose unless the appropriation made  
to the A. & M. College in the General Appropriation Bill  
can be used for such purpose. The General Maintenance  
Appropriation for A. & M. College for the biennium end-  
ing August 31, 1945, reads as follows:

	For the Year 1943	For the Year 1945
"General maintenance, includ- ing supplies, material, labor, equipment, traveling and contingent expenses	\$108,030	\$103,030'

"I shall thank you to advise this department  
whether or not expenses incurred under Article 2609 may  
be paid from the General Maintenance and Contingent  
Expense Appropriation made to the A. & M. College in the  
biennial appropriation bill."

Under the specific provisions of said Article 2609, you are  
not authorized to pay any of said expenses until and/or unless the Legisla-  
ture has "Made for such purpose" a specific appropriation.

You state in your letter that no such appropriation has been made; that the only possible item from which it could be paid would be that for General Maintenance and Contingent Expense, etc. It is our opinion that this specific appropriation would not and does not authorize you to pay any expenses incurred by students, under the provisions of Article 2609.

We are not, of course, passing upon the constitutionality of said Article, or whether the Legislature could, if it desired, make such appropriation.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By s/ Geo. W. Barcus  
Geo. W. Barcus  
Assistant

GWB-MR-wc

APPROVED MAY 3, 1945  
s/ Carlos C. Ashley  
FIRST ASSISTANT  
ATTORNEY GENERAL

Approved Opinion Committee by s/BWB Chairman